

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STATE OF TEXAS, et al.;

Plaintiffs,

v.

RISING EAGLE CAPITAL GROUP, LLC, et
al.;

Defendants.

Case No. 4:20-cv-02021

**JOINT NOTICE OF
SETTLEMENT AGREEMENTS**

**JOINT NOTICE OF FORTHCOMING AGREED MOTIONS REQUESTING
ENTRY OF STIPULATED ORDERS FOR PERMANENT INJUNCTION AND
MONETARY JUDGMENT AGAINST (1) SCOTT SHAPIRO AND (2) MICHAEL
T. SMITH, JR. AND HEALTH ADVISORS OF AMERICA, INC.**

Plaintiffs, the Attorneys General of the States of Arkansas, Indiana, Michigan, North Carolina, North Dakota, Ohio, and Texas (collectively “Plaintiffs”)¹ and Defendants Scott Shapiro, Michael T. Smith, Jr., and Health Advisors of America, Inc. (collectively “Parties”) respectfully file this Joint Notice of Forthcoming Agreed Motions Requesting Entry of Stipulated Orders for Permanent Injunction and Monetary Judgment Against (1) Scott Shapiro and (2) Michael T. Smith, Jr. and Health Advisors of America, Inc. As a

¹ The State of Missouri is also a Plaintiff in this matter, but it did not bring any claims against Mr. Shapiro, Mr. Smith, or Health Advisors of America, Inc.

result, the trial date scheduled to begin on August 21, 2023 at 1:30 pm CT (ECF No. 245), and all related pre-trial conferences will no longer be necessary, pursuant to this Court's acceptance and entry of the stipulated orders that will be submitted after Plaintiffs receive final approval from their respective offices. In support hereof, the Parties state the following:

1. On October 30, 2020, Plaintiffs filed their Second Amended Complaint (ECF No. 56) ("Complaint") in this matter against Defendants Scott Shapiro, Michael T. Smith, Jr., and Health Advisors of America, Inc.

2. As noted above, trial is scheduled to begin for this action starting August 21, 2023. (ECF No. 245).

3. After continued negotiations between Plaintiffs' counsel and Defendants' respective counsel, Plaintiffs and Defendants Michael T. Smith Jr. and Health Advisors of America, Inc. and Plaintiffs and Defendant Scott Shapiro have come to tentative agreements to resolve all pending claims before this Court in this matter.

4. The separate agreements are each contingent on approval from the Plaintiffs' respective front offices.

5. As of the time of this filing, four Plaintiff States have approval to file with the Court the respective stipulated orders. The approval process may take a few weeks for the remaining Plaintiff States to complete.

6. Should these stipulated orders become finalized as anticipated, these orders would resolve this matter as to all pending claims against the remaining Defendants.

7. As such, respectfully, the Parties believe it would be beneficial to the Court to strike the pretrial conference and scheduled trial from the docket, so that Plaintiffs will have reasonable time to complete the approval processes for their respective offices and can submit the executed stipulated orders for the Court's review and approval shortly thereafter.

WHEREFORE, the Parties respectfully notify the Court of the forthcoming stipulated orders resolving all pending claims in this matter between Plaintiffs and Defendant Michael T. Smith, Jr. and Health Advisors of America, Inc. and between Plaintiffs and Defendant Scott Shapiro.

Date filed: August 4, 2023

Respectfully submitted,

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SCOTT SHAPIRO

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(a), I hereby certify that, on August 4, 2023, I electronically filed the foregoing **JOINT NOTICE OF SETTLEMENT AGREEMENTS** with the Clerk using the CM/ECF system, which will automatically send e-mail notification of such filing to all counsel of record.

/s/ Joseph D. Yeoman
Joseph D. Yeoman

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule C(2), I hereby certify that Plaintiffs electronically conferred with Defendants' Counsel, Dominick Lanzito (Defendants Health Advisors of America, Inc. and Michael T. Smith) and Brandon Camilleri (Defendant Scott Shapiro) regarding the foregoing **JOINT NOTICE OF SETTLEMENT AGREEMENTS**. On August 3, 2023, Plaintiffs transmitted a copy of the Notice to Defendants' Counsel, and Defendants' Counsel stated that Defendants have joined this Notice.

/s/ Joseph D. Yeoman
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